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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,467	02/14/2007	Alessandro Facchin	78857.105669	1533
86528	7590	12/16/2010		
King & Spalding LLP 401 Congress Avenue Suite 3200 Austin, TX 78701			EXAMINER KIM, CHRISTOPHER S	
			ART UNIT 3752	PAPER NUMBER
			NOTIFICATION DATE 12/16/2010	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

AustinUSPTO@kslaw.com
AustinIP@kslaw.com

Office Action Summary	Application No.	Applicant(s)	
	10/597,467	FACCHIN, ALESSANDRO	
	Examiner	Art Unit	
	Christopher S. Kim	3752	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-12, 16-18 and 20 is/are pending in the application.
- 4a) Of the above claim(s) 8 and 18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10-12, 16, 17 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The response filed November 12, 2010 is acknowledged.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Election/Restrictions

3. Applicant's election of Species B, figure 4 in the reply filed on November 12, 2010 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
4. Claims 8 and 18 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on November 12, 2010.

Claim Rejections - 35 USC § 103

5. Claims 1-4, 6, 7, 10-12, 16, 17, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lambert et al. (6,338,445) in view of Stier (6,631,854).

Lambert discloses a valve body comprising:

a needle 12;

- a cartridge 10;
- a needle seat 13a;
- the needle further comprising:
 - a seat-part comprising:
 - a sealing area 12b;
 - a cavity 17a, 23, 27;
- a material 18;
- a sack volume 37;
- an actuator unit (fuel pump).

Lambert discloses the seat-part being flexible in figures 6 and 7 and in column 9, lines 55-60.

The term "affixed" does not preclude "slideably affixed." Material 12 is slideably affixed to the circumferential inner sidewall of the cavity (e.g., at 17c; see column 7, lines 61-66). Prior art search revealed that approximately 155 U.S. Patents use the term "slideably affixed."

Lambert differs from what is being claimed in the cartridge comprising a seat plate. Lambert's seat plate is integral with the cartridge.

Stier discloses a fuel injector valve having a cartridge 2 having a seat plate 6.

It would have been obvious to a person having ordinary skill in the art at the time of the invention to have made the cartridge of Lambert into two parts to include a seat plate as taught by Stier to ease manufacturing.

6. Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lambert et al. (6,338,445) in view of Stier (6,631,854) as applied to claim 3 above, and further in view of Hofmann (4,398,670).

Lambert in view of Stier discloses the claimed invention with the exception of the filler part consisting of plastics. Hofmman discloses, in column 1, lines 26, it is know to coat fuel injector needles with plastic to resist wear. Providing a plastic insulating layer to the needle 18 of Lambert would result in the material comprising a filler part (insulating layer) consisting of plastic. The claimed invention does not require the entirety of the material itself to be plastic. It would have been obvious to a person having ordinary skill in the art at the time of the invention to have provided a plastic insulating layer to element 18 in the device of Lambert in view of Stier as taught by Hofmman to reduce wear.

Response to Arguments

7. Applicant's arguments filed August 31, 2010 have been fully considered but they are not persuasive.

Applicant argues that Lambert does not teach a cavity that is at least partially filled with a material affixed to the circumferential inner wall of the cavity. Lambert discloses a material 18 affixed (slideably affixed) to the circumferential inner wall of the cavity, e.g., at 17c (see column 7, lines 61-66).

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher S. Kim whose telephone number is (571) 272-4905. The examiner can normally be reached on Monday - Friday, 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Len Tran can be reached on (571) 272-1184. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3752

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher S. Kim/
Primary Examiner, Art Unit 3752

CK